

UNITED STATES PATENT AND TRADEMARK OFFICE

M

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/785,301	02/24/2004	Shannon S. Stahl	09820.261	2093	
7590 04/03/2006		EXAMINER			
Intellectual Property Department DEWITT ROSS & STEVENS S.C.			KUMAR, SHAILENDRA		
US Bank Build		ART UNIT	PAPER NUMBER		
800 Excelsior Drive Suite 401			1621		
Madison, WI 53717-1914			DATE MAILED: 04/03/2006		

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action Before the Filing of an Appeal Brief

Application No.	Applicant(s)		
10/785,301	STAHL ET AL.		
Examiner	Art Unit		
SHAILENDRA KUMAR	1621		

	STATELINDICA KOWAK	1021	
The MAILING DATE of this communication appe	ears on the cover sheet with the c	correspondence add	ress
THE REPLY FILED <u>13 March 2006</u> FAILS TO PLACE THIS AF	PPLICATION IN CONDITION FOR	ALLOWANCE.	
1. The reply was filed after a final rejection, but prior to or or this application, applicant must timely file one of the follow places the application in condition for allowance; (2) a Not a Request for Continued Examination (RCE) in compliantime periods:	wing replies: (1) an amendment, aff otice of Appeal (with appeal fee) in (fidavit, or other evider compliance with 37 C	ice, which FR 41.31; or (3)
a) The period for reply expires 3 months from the mailing date	e of the final rejection.		
b) The period for reply expires on: (1) the mailing date of this A no event, however, will the statutory period for reply expire Examiner Note: If box 1 is checked, check either box (a) or	ater than SIX MONTHS from the mailin	g date of the final rejection	on.
TWO MONTHS OF THE FINAL REJECTION. See MPEP 7	06.07(f).		
Extensions of time may be obtained under 37 CFR 1.136(a). The date have been filed is the date for purposes of determining the period of exunder 37 CFR 1.17(a) is calculated from: (1) the expiration date of the set forth in (b) above, if checked. Any reply received by the Office late may reduce any earned patent term adjustment. See 37 CFR 1.704(b NOTICE OF APPEAL	stension and the corresponding amount shortened statutory period for reply orig r than three months after the mailing da	of the fee. The appropri inally set in the final Offi	ate extension fee ce action; or (2) a
 The Notice of Appeal was filed on A brief in comp filing the Notice of Appeal (37 CFR 41.37(a)), or any external a Notice of Appeal has been filed, any reply must be filed AMENDMENTS 	nsion thereof (37 CFR 41.37(e)), to	avoid dismissal of th	
 The proposed amendment(s) filed after a final rejection, 	but prior to the data of filing a brief	will not be entered by	2001100
(a) ☐ They raise new issues that would require further co (b) ☐ They raise the issue of new matter (see NOTE belo	nsideration and/or search (see NO		ecause
(c) They are not deemed to place the application in be	• •	ducing or simplifying	the issues for
appeal; and/or	corresponding number of finally rei	acted claims	•
(d) They present additional claims without canceling a		ected claims.	
NOTE: (See 37 CFR 1.116 and 41.33(a)).			(DTOL 004)
 The amendments are not in compliance with 37 CFR 1.1 Applicant's reply has overcome the following rejection(s) 		impliant Amendment (P10L-324).
 Newly proposed or amended claim(s) would be a non-allowable claim(s). 		timely filed amendme	nt canceling the
7. For purposes of appeal, the proposed amendment(s): a) how the new or amended claims would be rejected is pro The status of the claim(s) is (or will be) as follows: Claim(s) allowed: <u>none</u> . Claim(s) objected to: <u>none</u> .	☐ will not be entered, or b) ⊠ wi vided below or appended.	ll be entered and an e	explanation of
Claim(s) objected to: <u>none</u> . Claim(s) rejected: <u>1-18</u> .			
Claim(s) withdrawn from consideration:			
AFFIDAVIT OR OTHER EVIDENCE			
 The affidavit or other evidence filed after a final action, be because applicant failed to provide a showing of good an was not earlier presented. See 37 CFR 1.116(e). 			
9. The affidavit or other evidence filed after the date of filing entered because the affidavit or other evidence failed to showing a good and sufficient reasons why it is necessar	overcome all rejections under appea	al and/or appellant fai	ls to provide a
10. ☐ The affidavit or other evidence is entered. An explanation REQUEST FOR RECONSIDERATION/OTHER	n of the status of the claims after e	ntry is below or attach	ed.
11. The request for reconsideration has been considered by	it does NOT place the application in	n condition for allowar	nce because:
12. ☐ Note the attached Information Disclosure Statement(s). 13. ☑ Other: See Continuation Sheet.	(PTO/SB/08 or PTO-1449) Paper N	lo(s)	~~
		COM	
		SHAILENDRA - KU Primary Examiner	MAR

Art Unit: 1621

Continuation of 13. Other: Applicants' request that finality is premature and should be withdrawn, is denied. Note that claim 1, originally reads on "an aromatic, non-polar aprotic solvent" as against, the amendment of 10/24/05, reads "an aromatic, aprotic solvent'. the scope of the tow are clearly different, absent evidence to the contrary. Claims 1-18 stand rejected under 35 USC 103 as obvious over prior art of record, for the reasons of record. Applicants argument mainly relies in terms of solvent. At the outset, the secondary refrence expressly teach the solvent claime herein as a generic disclosure and notwithstanding that, selection of a solvent was well within the ordinary skill in the art, and applicants have not shown an unexpected results due to the selection of a particular solvent.